

Facility Name: Grand Casino Hinckley Issue date: 12-30-2010
Permit Number: V-ML-2711500031-2010-01 Page: 1 of 44

United States Environmental Protection Agency
Region 5
Air Programs Branch
Air & Radiation Division
77 West Jackson Boulevard
Chicago, Illinois 60604

AIR POLLUTION CONTROL
TITLE V PERMIT TO OPERATE

Permit Number: V-ML-2711500031-2010-01
Issue Date: December 30, 2010
Effective Date: January 29, 2011
Expiration Date: January 29, 2016

In accordance with the provisions of Title V of the Clean Air Act and 40 C.F.R. Part 71 and applicable rules and regulations,

Mille Lacs Band Corporate Commission d/b/a Grand Casino Hinckley

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit.

This source is authorized to operate in the following location:

**Grand Casino Hinckley, 777 Lady Luck Drive,
Hinckley, Minnesota 55037**

located in the Mille Lacs Band of Ojibwe Indian Reservation.

Terms and conditions not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable under the Clean Air Act by EPA and citizens.



Susan Hedman, Regional Administrator
U.S. EPA - Region 5

12/29/10
Date



Cheryl L. Newton, Director
Air and Radiation Division, U.S. EPA - Region 5

12/27/10
Date

Facility Name: Grand Casino Hinckley **Issue date:** 12-30-2010
Permit Number: V-ML-2711500031-2010-01 **Page:** 2 of 44

TABLE OF CONTENTS

<u>Section:</u>	<u>Page:</u>
1.0 Source Identification and Unit-Specific Information	4
2.0 Operating Requirements	6
3.0 Monitoring and Testing	9
4.0 Recordkeeping	18
5.0 Reporting	20
6.0 Source Inventory	27
7.0 Part 71 General Requirements	28
Attachment 1: Excess Emissions Form	42

Abbreviations and Acronyms

ASTM	American Society for Testing and Materials
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
C.F.R.	Code of Federal Regulations
EPA	United States Environmental Protection Agency, Region 5
EU	Emission Unit
Facility	Grand Casino Hinckley
gal	gallon
g	grams
HAP	Hazardous Air Pollutant
hr	hour
Id. No.	Identification Number
kg	kilogram
lb	pound
MACT	Maximum Achievable Control Technology
Mg	megagram
MMBtu	million British Thermal Units
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO _x	Nitrogen Oxides
NO ₂	Nitrogen Dioxide
NSPS	New Source Performance Standard
NSR	New Source Review
Operator	Grand Casino Hinckley
Permittee	Mille Lacs Band Corporate Commission
PM	Particulate Matter
PM ₁₀	Particulate matter less than 10 microns in diameter
ppm	parts per million
ppmvd	parts per million, volumetric dry
PA	Performance Audit
PSD	Prevention of Significant Deterioration
PSD permit	Permit no. PSD-ML-R50005-03-01 issued to Grand Casino Hinckley on November 10, 2002
PTE	Potential to Emit
RICE	Reciprocating Internal Combustion Engine
SO ₂	Sulfur Dioxide
VOC	Volatile Organic Compounds

Facility Name: Grand Casino Hinckley **Issue date:** 12-30-2010
Permit Number: V-ML-2711500031-2010-01 **Page:** 4 of 44

1.0 Source Identification and Unit-Specific Information

Parent Company: Mille Lacs Band Corporate Commission
 777 Lady Luck Drive
 Hinckley, Minnesota 55037

Facility: Grand Casino Hinckley
 777 Lady Luck Drive
 Hinckley, Minnesota 55037

County: Pine

Tribe/Reservation: Mille Lacs Band of Ojibwe Indian Reservation

Company Contact Phone: (320) 384-4907

SIC Code: 7011, Hotels and motels
 4911, Electricity Generation

AFS Plant Identification Number: 27-115 00031

Description of Process: Three Caterpillar 3516B Diesel-burning generator sets for peak load management and backup power.

Table 1: Emission Unit Descriptions

Emission Unit	Description	Manufacturer/ Model	Serial No.	Date Installed
EU 001	1,825 kW generator set	Caterpillar/ 3516B	OFDNN00430	December 4, 2004
EU 002	1,825 kW generator set	Caterpillar/ 3516B	OFDNN00427	December 4, 2004
EU 003	1,825 kW generator set	Caterpillar/ 3516B	OFDNN00431	December 4, 2004

Table 2: Engine Specifications

<u>Parameter</u>	<u>Engine/Generator Set</u>
Emission Units:	EU 001, EU 002, EU 003
Type:	Three (3) Generator Sets of Reciprocating Internal Combustion Engine (RICE)
Manufacture/Model:	Caterpillar Model 3516B
Type of Fuel:	Diesel fuel with a maximum sulfur content of 0.05%
Fuel Consumption Rate @ max. capacity:	130.2 gallons per hour for each engine
Power Rating:	1,825 kW for each engine
Shaft Power:	2,593 brake horsepower
Rated speed:	1,800 revolutions per minute per engine
Exhaust height:	26 feet per engine
Exhaust Diameter:	One 16-inch exhaust per engine
Exhaust Flow:	15,676 acfm per engine

Table 3: Potential Emissions

Potential Emission Rates	VOC	NO _x	CO	PM	PM ₁₀	SO ₂	HAPs
Potential hourly emissions per engine (lb/hr)	1.16	37.44	3.05	0.87	0.72	0.91	0.025
Potential hourly emissions 3 engines (lb/hr)	3.48	112.32	9.15	2.61	2.16	2.73	0.075
Total potential emissions 3 engines (tpy)	15.24	491.96	40.08	11.43	9.46	11.98	0.329
800 hours per year Limited potential emissions 3 engines (tpy)	1.38	44.94	3.66	1.05	0.87	1.09	0.03

2.0 Operating Requirements

- a. **Emission Limitations and Standards** [40 C.F.R. § 71.6(a)(1)]. For each emission unit (EU 001, EU 002, and EU 003),
1. **NO_x emission rate** shall be at all times no greater than 6.55 grams per brake horsepower-hour (g/BHP-hr) per engine, expressed as NO₂, averaged over the duration of the emission performance test or any three consecutive hours. [PSD Permit, Sect. (4)(1)(a)]
 2. **NO_x emission rate** shall be at all times no greater than 37.44 pounds per hour (lb/hr) per engine, expressed as NO₂, averaged over the duration of the emission performance test or any three consecutive hours. [PSD Permit, Sect. (4)(1)(b)]
 3. **NO_x emission limit.** NO_x emissions shall be no greater than 14.98 tons per year (tpy), expressed as NO₂, calculated based on a 12-month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly emissions during the previous 12 months. [PSD Permit, Sect. (4)(1)(c)]
 4. **CO concentration or reduction.** The Permittee shall limit concentration of CO in the exhaust to 23 ppmvd CO at 15% O₂ or reduce CO emissions by 70 percent or more at all times except during periods of startup. [40 C.F.R. § 63.6603(a)] The Permittee shall comply with this requirement no later than May 3, 2013. [40 C.F.R. § 63.6595(a)(1)] The Permittee will have demonstrated initial compliance with this requirement if the average concentration or reduction of CO from the initial performance test required in Section 3.0(v) of this permit meets the required concentration or reduction. [Table 5 to Subpart ZZZZ of 40 C.F.R. Part 63] The Permittee shall demonstrate continuous compliance if subsequent performance testing required in Section 3.0(w) of this permit shows that the concentration or reduction of CO meets the

required concentration or reduction. [Table 6 to Subpart ZZZZ of 40 C.F.R. Part 63]

b. Operational Restrictions

1. **Engine operating hours.** The operating hours of each emission unit shall be no greater than 800 hours per year based on a 12-month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly emissions during the previous 12 months. [PSD Permit, Sect. (4)(1)(d)]
2. **Turbocharger and aftercooler operation.** A turbocharger and aftercooler shall be used at all times during operation of any of the emission units. [PSD Permit, Sect. (4)(1)(e)]
3. **Aftercooler water temperature.** The aftercooler return water temperature for each engine shall be maintained at less than or equal to 140 degrees Fahrenheit through the use of thermostatic valves. [PSD Permit, Sect. (4)(1)(f)-(g)]
4. **Combustion operation.** Each emission unit shall be operated in lean burn combustion conditions at all times. [PSD Permit, Sect. (4)(1)(h)]
5. **Intake manifold pressure** for each engine shall be maintained at 28.1 to 76.2 inches of mercury (Hg) for 40 to 100% load for each engine. Each engine shall operate only between 40 to 100% load. [PSD Permit, Sect. (4)(1)(i)]
6. **Retard engine timing.** The emission units shall at all times be operated at Retard Engine Timing which involves delaying the injection of fuel in the engine for each engine. [PSD Permit, Sect. (4)(1)(k)]
7. **Flash file program #180-1736,** which electronically controls each engine, shall be set for retard engine timing. Contact the EPA before modifying any parameters pertaining to retard

engine timing for any of the engines. [PSD Permit, Sect. (4)(1)(1)]

8. **Preventive action.** In any shutdown or breakdown of EU 001, 002, or 003 or deviation from any permit terms, the owner or operator shall immediately take all practical steps to modify operations to reduce the emission of any regulated air pollutant. The EPA may require feasible and practical modifications in the operation to reduce emissions of air pollutants. [PSD Permit, Sect. 7]
 9. **Compliance.** Nothing in this permit allows the operation of an emission facility, emissions unit, or stationary source which may endanger human health or the environment; or allows the owner or operator of an emission facility to violate an applicable requirement or compliance document. [PSD Permit, Sect. 7]
 10. **Fuel requirements.** The Permittee shall use diesel fuel that meets the following standards [40 C.F.R. § 63.6604, 40 C.F.R. § 80.510(b)]:
 - a. Sulfur content: 15 ppm maximum.
 - b. A minimum cetane index of 40 or a maximum aromatic content of 35 volume percent.
 11. **Engine idling.** The Permittee shall minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the CO emission limitation in Section 2.0(A)(4) of this permit shall apply to all times. [40 C.F.R. § 63.6625(h)]
- c. **General Practices.** At all times, the Permittee shall maintain the facility in a manner consistent with safety and good air pollution control practices for minimizing emissions. [40 C.F.R. § 63.6605(b)]

3.0 Monitoring and Testing

- a. Aftercooler water temperature** for each engine shall be continuously monitored. [PSD Permit, Sect. (4)(1)(g)] The continuous monitoring system shall be operated and maintained in accordance with the requirements of 40 C.F.R. § 63.8. [40 C.F.R. § 63.6625(b)]
- b. Intake manifold pressure** for each engine shall be continuously monitored with intake manifold pressure sensors. [PSD Permit, Sect. (4)(1)(j)] The continuous monitoring system shall be operated and maintained in accordance with the requirements of 40 C.F.R. § 63.8. [40 C.F.R. § 63.6625(b)]
- c. Performance testing** on each emission unit shall be conducted to ascertain compliance with the NO_x emission rates and limits in Section (2.0)(A) in accordance with the requirements set forth later in this section. Determine the NO_x emission rate, expressed as NO₂, using exhaust properties determined by both Method 19 of 40 C.F.R. Part 60 (unless otherwise approved by EPA) and exhaust gas measurements as set out in later in this section. [PSD Permit, Sect. (4)(1)(n); Sect. (5), "Reference Test Methods"]
- d. Periodic performance tests** shall be conducted every five (5) calendar years to determine compliance with the applicable NO_x emissions limits in Section (2.0)(A) and furnish the EPA with a written report of the results of such performance test(s). [PSD Permit, 2009 modification, Sect. 5]
- e. Testing notification.** Written notification of the planned test date shall be postmarked or received by the EPA at least 30 days before the planned test date. The EPA shall reject the results of a test if less than 30 days notice is given unless written authorization of a shorter notice was given by the EPA Regional office. [PSD Permit, Section 5]
- f. Test plans.** Within 60 days after receiving a request from the Administrator for inspections, monitoring, and/or entry under section 114 of the Act, and at least 30 days before the scheduled date of any tests,

the owner or operator shall submit a complete plan for conducting the source tests to the EPA for approval. The plan must address the methods and procedures to be used for sampling, testing, and quality assurance, and the operational conditions under which the tests will be performed and documented. Failure to submit a complete plan shall not alter the date by which any test is required. [PSD Permit, Section 5]

- g. De minimis pollutants.** Upon request of the EPA, the Permittee shall conduct performance tests for SO₂, VOCs, CO, PM, PM₁₀, and HAPs in order to determine whether the actual emission levels represent the limited potential emissions estimates in Table 3 in Section 1.0 of this permit. [PSD Permit, Sect. (4)(1)(p)]
- h. Approval of test plan.** The owner or operator shall submit to the EPA a test plan with or in advance of the test notification required under this section or in response to the EPA's request for supplemental information. If the proposed test plan does not contain sufficient or accurate enough detail to ensure that the performance test meets the requirements of the applicable requirement or compliance document, EPA may reject the plan, and the owner or operator must address any of EPA's comments on revisions and additions that are necessary to make the plan complete. [PSD Permit, Sect. 5]
- i. Format and content of test plan.** The test plan shall be submitted in the following format and include the following elements: [PSD Permit, Sect. 5]

Part I. General information:

1. Name and address of emission facility;
2. Name, title, telephone number, and facsimile number of contact person at emission facility;
3. Permit number or name of other applicable compliance document;
4. Reason for testing;
5. Schematic drawing of stack and sample ports;
6. Location of plant; and

7. Name, contact person, telephone number, and facsimile number for testing company contracted to conduct the test.

Part II. Testing requirements:

1. List of the emission units, as identified in the applicable requirement or compliance document, and pollutants to be tested, the emission limit for each pollutant, and the applicable rule or regulation for each emission limit; and
2. Description of procedure for fuel sampling and analysis, where applicable.

Part III. Operating conditions:

1. List of the process or operating rate and conditions of the process equipment and air pollution control equipment for the test;
2. List of the range of process or operating rates for each emissions unit; and
3. Description of how air pollution control and process equipment will be monitored.

Part IV. Test methods:

1. List of the methods to be used to determine the emission rate of each pollutant;
2. Number of test runs, length of test run, and sampling rate for each method;
3. Reference to any applicable requirement or compliance document requiring use of specific methods or procedures;
4. Summary of reasons for proposing to use any alternative or equivalent method; and
5. For test methods other than reference methods, statement of the detection limit and the degree of accuracy of that method at the expected emission rate and under the conditions of the performance test.

- j. **Pretest meeting.** The owner or operator shall contact the Air Enforcement and Compliance Assurance Branch, EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, to schedule a pretest meeting to be

held between authorized employees of the agency and the owner or operator of the emission facility, with optional representation by the testing company. The pretest meeting shall be held at least seven days prior to the performance test date except that a shorter period shall be allowed if the EPA is able to accommodate a request for such a meeting. If the EPA agrees that an in-person meeting is not necessary, the pretest meeting will be conducted by telephone conference call unless the owner or operator of the emission facility requests an in-person meeting. [PSD Permit, Sect. 5]

- k. Representative testing conditions.** Performance tests shall be conducted under such conditions as the EPA shall specify to the plant operator based on representative performance (i.e., not during startup, shutdown or malfunction) of the affected facility. The owner or operator shall make available to the EPA such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test. [PSD Permit, Sect. 5]
- l. Operating conditions for performance testing.** All performance tests shall be conducted at worst case operating conditions (i.e., at maximum capacity during non-malfunction) for all emission units for each air pollutant that is required to be tested unless: [PSD Permit, Sect. 5]

 - 1. The applicable requirement or compliance document specifies alternative operating conditions for performance testing; or
 - 2. The worst case condition is not known or calculable. In this case, worst case conditions shall be assumed to be the maximum achievable process or operating rate of the emissions unit
- m. Test runs.** Unless otherwise specified by the applicable Reference Test Method, each performance test shall consist of three separate runs. For the purpose of determining compliance with an applicable

standard, the arithmetic means of results of the three runs shall apply. In the event that conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the EPA's approval, be determined using the arithmetic mean of the results of the two other runs. [PSD Permit, Sect. 5]

n. Failure to demonstrate compliance. Upon the EPA's written notice that the facility has failed to demonstrate compliance with an applicable emission limit, the owner or operator of the emission facility, unless an alternative schedule is given in an applicable requirement or compliance document, shall: [PSD Permit, Sect. 5]

1. Conduct a retest within 30 days of receipt of the EPA written notice;
2. Submit to the EPA written notice of testing, submit a test plan for the retest, and schedule a pretest meeting at least 21 days in advance of the date of the retest. The pretest meeting shall be held at least seven days prior to the date of the retest, except that a shorter period shall be allowed if the EPA is able to accommodate such a request for a meeting; and
3. Submit a complete report of the results of the retest within 45 days after completion of a set of tests.

The owner or operator may receive an extension to the schedule if one of the following special circumstances applies:

1. Seasonal or temporary shutdown of the affected emissions units;
2. Malfunction or breakdown of the affected emissions units, unless the EPA determines that a retest under such conditions is warranted in

order to determine the effect of the malfunction or breakdown on emissions or where such conditions are representative of past operation of the emissions units;

3. Weather conditions that prevent using the applicable test methods or prevent operation of the affected emission units at the required operating conditions;
 4. Any other conditions beyond the control of the owner or operator that prevent using the applicable test methods or prevent operation of the affected emissions units at the required operating conditions; or
 5. Any other condition beyond the control of the owner or operator that prevents completion of a retest within the required schedule;
- o. Request for a retest extension.** Any request for an extension of the time schedule shall be submitted to the EPA in writing by the owner or operator prior to the date by which retesting is required. The request shall specify the reason why the extension is needed, and include an alternative retest schedule. The EPA Regional office shall grant the request for extension if the EPA finds that one or more of the special conditions in this section apply. If the EPA grants an extension, the owner or operator shall implement the alternative retest schedule. A requested extension shall not be effective unless the EPA has given written approval of the extension. [PSD Permit, Sect. 5]
- p. Agency tests.** Upon request of the EPA, the owner or operator of an emission facility shall allow the EPA, or any authorized employee or agent of the EPA, to enter upon the premises of the owner or operator for the purposes of conducting performance tests. The owner or operator shall provide performance testing facilities that enable the agency or its employees or agents to conduct performance tests, including: [PSD Permit, Sect. 5]

1. Sampling ports adequate for the applicable test methods;
2. Safe sampling platforms;
3. Safe access to sampling platforms; and
4. Utilities for sampling and testing equipment.

The owner or operator shall operate the emission facility at worst case conditions or other conditions as requested by the EPA, and shall provide assistance in process monitoring and process material sampling as requested.

- q. Annual testing.** The owner or operator shall measure NO_x emissions annually (at about the anniversary of the initial compliance test) using a portable emissions analyzer to determine compliance with the applicable NO_x emissions limits in Section (2.0)(A) and furnish the EPA with a written report of the results of such measurements. The portable emissions analyzer shall be used according to the Portable Electrochemical Analyzer Procedure available at <http://www.epa.gov/ttn/emc/ctm/ctm-034.pdf>. This requirement does not apply during the calendar years in which a performance test is required; it applies only during years between the periodic performance tests. [PSD Permit, Sect. 6]
- r. Test reports.** Within 45 days after completion of a set of NO_x emissions measurements, the owner or operator shall submit a copy of the results to the EPA. [PSD Permit, Sect. 6]
- t. Operating conditions.** All measurements shall be conducted at worst case operating (non-malfunction) conditions for all emission units for each air pollutant that is required to be tested unless: [PSD Permit, Sect. 6]
1. The applicable requirement or compliance document specifies alternative operating conditions for annual testing using a portable emissions analyzer; or

2. The worst case condition is not known or calculable. In this case, worst case conditions shall be assumed to be the maximum achievable process or operating rate of the emissions unit;
- u. Measurement cycles.** Each test shall consist of at least four (4), but no more than six (6), 15-minute measurement cycles. For the purpose of determining compliance with the applicable standard, the results of all measurement cycles will be added together and divided by the number of measurement cycles to arrive at an average emission rate. The result will be used as one basis for determining compliance with the emission limit in this permit. In the event that conditions occur in which one of the measurement cycles must be discontinued because of forced shutdown, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, EPA may, in its sole discretion, determine compliance using the arithmetic mean of the results of the non-damaged measurement cycles. [PSD Permit, Sect. 6]
- v. Initial performance test for CO.** The Permittee shall conduct an initial performance test under paragraphs (x) or (y) of this Section within 180 days after May 3, 2013. [40 C.F.R. § 63.6612(a)]
- w. Subsequent performance test for CO.** The Permittee shall conduct a performance test under paragraphs (x) or (y) of this Section every 8,760 hours or 3 years, whichever comes first. [40 C.F.R. § 63.6612(a), 40 C.F.R. § 63.6640(a)]
- x. Measurement of CO reduction.** If the Permittee is complying with the CO reduction clause of Section 2.0(A)(4) of this permit, the Permittee shall measure both O₂ and CO at the inlet and outlet of the control device using a portable CO and O₂ analyzer in accordance with ASTM D6522-00 (2005) or, for CO, Method 10 of 40 C.F.R. Appendix A. Measurements to determine O₂ must be made at the same time as the measurements for CO concentration. The CO concentration must be at 15 percent O₂, dry basis. [40 C.F.R. § 63.6612(a)]

- y. Measurement of CO concentration.** If the Permittee is complying with the CO concentration clause of Section 2.0(A)(4) of this Permit, the Permittee shall do the following [40 C.F.R. § 63.6612(a)]:
1. Select the sampling port location and the number of traverse points using Method 1 or 1A of 40 C.F.R. Part 60, Appendix A;
 2. Determine the O₂ concentration of the stationary RICE exhaust at the sampling port location using Method 3 or 3A or 3B of 40 C.F.R. Part 60, Appendix A, or ASTM Method D6522-00(2005);
 3. Measure moisture content of the stationary RICE exhaust at the sampling port location using Method 4 of 40 C.F.R. Part 60, Appendix A, or Test Method 320 of 40 C.F.R. Part 63, Appendix A, or ASTM D 6348-03; and
 4. Measure CO at the exhaust of the stationary RICE Method 10 of 40 C.F.R. Part 60, Appendix A, ASTM Method D6522-00 (2005), Method 320 of 40 C.F.R. Part 63, Appendix A, or ASTM D6348-03. CO concentration must be at 15 percent O₂, dry basis. Results of this test consist of the average of the three 1-hour longer runs.
- z. Notification of CO performance test.** The Permittee shall provide notice of intent to conduct a performance test under paragraphs (v) or (w) of this Section at least 60 calendar days before the performance test is initially scheduled to begin to allow EPA, upon request, to review and approve the site-specific test plan required under paragraph (aa) of this Section and to have an observer present during the test. In the event the Permittee is unable to conduct the performance test on the date specified due to unforeseeable circumstances beyond the Permittee's control, the Permittee shall notify the Administrator as soon as practicable and without delay prior to the scheduled performance test date and specify the date when the performance test is rescheduled. [40 C.F.R. § 63.7(b)]

- aa. Submission of CO test Plan.** Before conducting a required performance test under paragraphs (v) or (w) of this Section, the Permittee shall submit a site-specific test plan at least 60 calendar days before the performance test is scheduled to take place, that is, simultaneously with the notification of intention to conduct a performance test required under paragraph (z) of this Section. The test plan shall include a test program summary, the test schedule, data quality objectives, and both an internal and external quality assurance (QA) program. The external QA program shall include, at a minimum, application of plans for a test method performance audit (PA) during the performance test. The PA's consist of blind audit samples provided by EPA and analyzed during the performance test in order to provide a measure of test data bias. The Permittee shall request performance audit materials 30 days prior to the test date. If EPA fails to provide required PA materials to the Permittee in time to analyze the PA samples during a performance test, the requirement to conduct a PA under this paragraph shall be waived. [40 C.F.R. § 63.7(c)]

4.0 Recordkeeping

- a. Flash file program and retard engine timing parameters.** The Permittee shall maintain records, which include printouts of digital readouts, gauges, or meters, for times in which the flash file program #180-1736 is modified and any times in which any retard engine timing parameters have been changed. [PSD Permit, Sect. (4)(1)(m)]
- b. Other recordkeeping.** The owner or operator shall maintain at the facility at which the permitted units are located a file containing the records specified below. The owner or operator shall retain all records at the facility location for at least five (5) years following the creation of such record. Records which must be retained at this location include all calibration and maintenance records, all original recording for continuous monitoring instrumentation, and copies of all reports required by this permit.

Facility Name: Grand Casino Hinckley **Issue date:** 12-30-2010
Permit Number: V-ML-2711500031-2010-01 **Page:** 19 of 44

Records of all monitoring required by this permit, and information about the monitoring, include: [PSD Permit, Sect. 7]

1. The aftercooler return water temperature, intake manifold pressure, and any changes to flash file program #180-1736 for emission units 001, 002, and 003;
2. Hours of operation for emission units 001, 002, and 003;
3. Performance test data and results;
4. Results of annual testing from the portable emissions analyzer;
5. Reports of excess emissions;
6. Changes requiring notification to EPA under this section;
7. Calibration and maintenance records, original strip chart, or computer-based recordings;
8. Sampling dates and the times of sampling or measurement;
9. The operating conditions that existed at the time of sampling or measurement;
10. The date analyses were performed;
11. The location where samples were taken;
12. The company or entity that performed the sampling and analyses;
13. The analytical techniques or methods used in the sampling and analysis;
14. The results of the analyses; and
15. Occurrence and duration of any startup, shutdown, or malfunction in the operation of EU 001, 002,

and/or 003 or the facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

- c. Recordkeeping for CO.** The Permittee shall keep the records required by 40 C.F.R. § 63.6655(b) for the continuous monitoring systems required in Section 3.0(a) and (b) of this permit. Such records shall be kept readily available for expeditious review for 5 years following the date of each occurrence, measurement, maintenance, correction action, report, or record. [40 C.F.R. § 63.6660]

5.0 Reporting

- a. Test reports.** Within 45 days after completion of a set of tests, the owner or operator shall submit a copy of the results to the EPA. [PSD Permit, Sect. 5]
- b. Low emission strategy.** The Permittee shall certify that electronic controls are set for low emission strategy as required by Section 2.0(b)(2)-(7), 3.0(a)-(b), and 4.0(a) in accordance with the requirements in Sections 4.0 and 5.0 [PSD Permit, Sect. (4)(1)(o)]
- c. Notification requirement.** The owner or operator shall operate and modify the facility only in accordance with the conditions and requirements of this permit. The owner or operator shall notify the EPA prior to: [PSD Permit, Sect. 7]
1. Installing an emissions unit or source at the Facility that is not listed in Section 1.0 of this permit;
 2. Making a change to a source listed in Section 1.0 that would cause it to deviate from the description of it provided in Section 1.0; or
 3. Making a change to the emission characteristics of a source, including waste heat recovery, in a manner that would increase the ambient impact

beyond that which the EPA used when issuing this permit.

- d. Notification of construction and startup.** The owner or operator shall furnish the EPA written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows: [PSD Permit, Sect. 7]
1. A notification of any physical or operational change to EU 001, 002, and 003 or to the existing facility which may increase the emission rate of any air pollutant in major or significant amounts as defined under 40 C.F.R. § 52.21, or which would be subject to any applicable emissions standard and standard of performance under 40 C.F.R. Parts 60, 61, or 63. This notice shall be postmarked 90 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The EPA may request additional relevant information subsequent to this notice.
- e. Excess emissions report.** The owner or operator shall report all emissions or operations that exceed or deviate from the requirements of this permit. The owner or operator shall submit an excess emissions report to the EPA semiannually, except when more frequent reporting is specifically required or the EPA determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each six-month period. The excess emissions report form shall contain the information shown in Attachment 1 unless otherwise specified by the EPA. When no excess emissions have occurred such information shall be stated in the report. [PSD Permit, Sect. 7]
- g. Excess emissions.** The owner or operator shall report all emissions or operations that exceed or deviate

from the requirements of this permit and that present a potential threat to human health or safety as soon as possible, but no later than 48 hours, after discovery. [PSD Permit, Sect. 7]

- h. Information requests.** The owner or operator shall furnish to the EPA any information the Agency requests in writing to determine whether cause exists to modify, revoke and reissue, or terminate the permit, or to determine compliance with the permit. Upon request, the owner or operator shall furnish to the Agency copies of records required to be kept by this permit. [PSD Permit, Sect. 7]
- i. Availability of information.** The availability to the public of information provided to, or otherwise obtained by, the EPA shall be governed by 40 C.F.R. Part 2. Any records, reports, or information obtained shall be available to the public, except that upon a showing satisfactory to the EPA by any person that records, reports, or information, or particular part thereof (other than emission data), to which the EPA has access if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the EPA shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out the Clean Air Act or when relevant in any proceeding under the Clean Air Act. [PSD Permit, Sect. 7]
- j. Certification requirement.** The owner or operator shall certify all reports, compliance certifications, or other documents submitted to the EPA under this permit. [PSD Permit, Sect. 8]
- k. Annual compliance certification.** The owner or operator shall submit a compliance certification to the EPA to certify compliance or noncompliance with the terms and conditions in this permit. The compliance certification shall be submitted to the EPA Regional

office to the Air Enforcement and Compliance Assurance Branch address listed in Section 5.0(n) of this permit. The owner or operator shall submit the compliance certification by January 30th of each year for the previous calendar year. [PSD Permit, Sect. 8]

1. Compliance certification report. The compliance certification shall be certified by the responsible official and shall include the following information (all quantities must be reported, even if zero): [PSD Permit, Sect. 8]

1. The applicable requirement that is the basis of the certification.
2. The method(s) used for determining the compliance status of the facility.
3. Proof of whether compliance is continuous or intermittent.
4. Facility Identification and Reporting Period - the compliance certification shall include the name of the company, facility name, location, permit number, and period of time covered by the report.
5. The times in which the total 12-month rolling sum of operating hours (separately, for each unit) within the applicable 12-month reporting period for EU 001, 002, and 003 exceeded 800 hours per year based on a 12-month rolling sum.
6. The results of any performance tests performed during the 12-month period for EU 001, 002, and 003.
7. Results of annual testing from the portable emissions analyzer during the 12-month period for EU 001, 002, and 003.
8. Reports of any excess emissions, and include copies of any excess emission reports.

9. The times during the applicable 12-month reporting period in which the nitrogen oxides emissions rate for EU 001, 002, and 003 exceeded 37.44 lb/hr for each engine during any three (3) hour block average.
 10. The times during the applicable 12-month reporting period in which the nitrogen oxides emissions rate for EU 001, 002, and 003 exceeded 14.98 tons per year per engine based on a 12-month rolling sum.
 11. The times during the applicable 12-month reporting period in which the nitrogen oxides emissions rate for EU 001, 002, and 003 exceeded 6.55 g/HP-hr per year per engine.
 12. Any times during the 12-month reporting period in which EU 001, 002, and 003 operated without using turbochargers or aftercoolers. The compliance certification shall state the reasons the turbochargers and aftercoolers were not used, and the actions taken to reduce nitrogen oxide emissions.
 13. Any deviations from the specified control requirements in Section 4, 1(e)-(m).
 14. Any changes to the facility in accordance with the requirements under Notification Requirement under Section 6.
 15. Any other facts as required by the EPA.
- m. Responsible official.** All reports, compliance certifications, or other documents submitted to the EPA under this permit shall include the following statement: [PSD Permit, Sect. 8]

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of

Facility Name: Grand Casino Hinckley **Issue date:** 12-30-2010
Permit Number: V-ML-2711500031-2010-01 **Page:** 25 of 44

the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine, imprisonment, or both, for knowing violations. See, e.g., 18 U.S.C. § 1001."

The certification must be signed by a corporate officer or other responsible management official.

- n. Submittals.** Unless otherwise directed by the EPA or this permit, the owner or operator shall submit a copy of all test plans, reports, certifications, notifications, and other information pertaining to compliance with this permit to: [PSD Permit, Sect. 7]

EPA Region 5
Air and Radiation Division
Air Enforcement and Compliance Assurance Branch (AE-17J)
77 West Jackson Boulevard
Chicago, IL 60604

The owner or operator shall submit copies of permit applications, permit amendments, and other applicable permit information, which includes but not limited to installation of control equipment, replacement of an emissions unit, and changes that contravene permit terms, to:

EPA Region 5
Air and Radiation Division
Air Programs Branch (AR-18J)
Air Permits Section
77 West Jackson Boulevard
Chicago, IL 60604

The owner or operator shall submit all submittals that are required by the Acid Rain Program to:

Facility Name: Grand Casino Hinckley **Issue date:** 12-30-2010
Permit Number: V-ML-2711500031-2010-01 **Page:** 26 of 44

U. S. Environmental Protection Agency
Clean Air Markets Division
Ariel Rios Building (6204J)
1200 Pennsylvania Avenue N.W.
Washington D.C. 20460

- o. Notification of compliance status for CO.** The Permittee shall submit the Notification of Compliance Status containing the results of the initial performance test of Section 3.0(v) of this permit. [40 C.F.R. § 63.6630(c)]
- p. Notification of exceedances for CO.** The Permittee shall report each instance in which the requirements of Section 2.0(a)(4), (b)(10)-(11), or (c) of this permit, or the applicable general provisions of 40 C.F.R. § 63.1 to 63.15, were not met. [40 C.F.R. § 63.6640(b), 40 C.F.R. § 63.6640(e)]
- q. Compliance reports for CO.** The Permittee shall submit semiannual reports indicating any deviations (or no deviations) from the requirements of Section 2.0(a)(4), (b)(10)-(11), or (c) of this permit. [40 C.F.R. § 63.6650(a)]. The reports shall be submitted in accordance with the deadlines specified in 40 C.F.R. § 63.6650(b). The reports shall contain the content requirement by 40 C.F.R. § 63.6650(c)-(d).

6.0 Source Inventory

The owner or operator is authorized under this permit to operate the stationary emission sources in Table 4. The design rating, capacity, or throughput is set out in this exhibit only for the purpose of aiding in the identification of the source. The owner or operator must notify the EPA prior to selecting other equipment make, models, and size, to determine the applicability of regulatory requirements. [PSD Permit, Section 9]

Table 4: Source Inventory

<u>Emission Unit</u>	<u>Equipment Use</u>	<u>Description</u>	<u>Capacity</u>	<u>Fuel Type</u>
Source Group: Engine generator sets				
001	Peaking power generation	Caterpillar Model 3516B turbocharged engine	1825 kW	Diesel
002	Peaking power generation	Caterpillar Model 3516B turbocharged engine	1825 kW	Diesel
003	Peaking power generation	Caterpillar Model 3516B turbocharged engine	1825 kW	Diesel

7.0 PART 71 GENERAL REQUIREMENTS

- a. **Definitions.** Terms and conditions have the meaning assigned to them in Part 71 unless other regulations or statutes are referenced.
- b. **Annual fee payment** [40 C.F.R. §§ 71.6(a)(7) and 71.9]
1. The Permittee shall pay an annual permit fee in accordance with the procedures outlined below.
[40 C.F.R. § 71.9(a)]
 2. The Permittee shall submit an annual report of its actual emissions for the preceding calendar year, a fee calculation work sheet (based on the report), and full payment of the annual fee each year. The Permittee shall submit the annual report and pay the annual permit fee each year on or before the anniversary date (November 15) of its initial fee calculation work sheet.

The Permittee shall submit the annual report to:

**Environmental Protection Agency Region 5
Air and Radiation Division
Air Programs Branch (AR-18J)
Air Permits Section
77 West Jackson Boulevard
Chicago, Illinois 60604**

3. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of the U.S. Environmental Protection Agency.
4. The Permittee shall send fee payment and a completed fee filing form to:

For regular U.S. Postal Service mail
**U.S. Environmental Protection Agency
FOIA and Miscellaneous Payments
Cincinnati Finance Center
PO Box 979078
St. Louis, Missouri 63197-9000**

Facility Name: Grand Casino Hinckley **Issue date:** 12-30-2010
Permit Number: V-ML-2711500031-2010-01 **Page:** 29 of 44

For non-U.S. Postal Service Express Mail

(Fed Ex, Airborne, DHL, and USPS)

U.S. Bank

Government Lockbox 979078

U.S.EPA FOIA & Misc. Payments

1005 Convention Plaza

SL-MO-C2-GL

St. Louis, Missouri 63101

5. The Permittee shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by the same deadline as required for fee payment to the address listed in Condition 4.0(H)(2) of this permit. (The Permittee should note that an annual emissions report, required at the same time as the fee calculation worksheet by 40 C.F.R. § 71.9(h), has been incorporated into the fee calculation worksheet form as a convenience.)
6. Basis for calculating annual fee:
 - i. The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all regulated pollutants (for fee calculation) emitted from the source, including fugitive emissions by the presumptive emissions fee (in dollars/ton) in effect at the time of calculation.
 - (a). "Actual emissions" means the actual rate of emissions in tpy of any "regulated pollutant (for fee calculation)" emitted from a Part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions unit's actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. [40 C.F.R. § 71.9(c)(6)]

- (b). Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data. [40 C.F.R. § 71.9(h)(3)]
 - (c). If actual emissions cannot be determined using the compliance methods in the permit, the Permittee shall use other federally recognized procedures. [40 C.F.R. § 71.9(e)(2)]
 - (d). The term "regulated pollutant (for fee calculation)" is defined in 40 C.F.R. § 71.2.
 - (e). Prior to the start of each calendar year, the EPA will revise for inflation and make available the presumptive fee amount.
- ii. The Permittee shall exclude the following emissions from the calculation of fees:
- (a). The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year [40 C.F.R. § 71.9(c)(5)(I)];
 - (b). Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation [40 C.F.R. § 71.9(c)(5)(ii)]; and
 - (c). The quantity of actual emissions (for fee calculation) of insignificant activities [defined in 40 C.F.R. § 71.5(c)(11)(i)] or of insignificant emissions levels from emissions units identified in the Permittee's application [pursuant to 40 C.F.R. § 71.5(c)(11)(ii)]. [40 C.F.R. § 71.9(c)(5)(iii)]

7. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official in accordance with Condition 4.0(H)(1). (The Permittee should note that the fee calculation worksheet incorporates a section to help meet this responsibility.)
8. The Permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for 5 years following submittal of fee payment. Emission-related data include, for example, emissions-related forms provided by the EPA and used by the Permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept in accordance with 40 C.F.R. § 71.6(a)(3)(ii). [40 C.F.R. § 71.9(i)]
9. Failure of the Permittee to pay fees in a timely manner shall subject the Permittee to assessment of penalties and interest in accordance with 40 C.F.R. § 71.9(l).
10. When notified by the EPA of underpayment of fees, the Permittee shall remit full payment within 30 days of receipt of notification. [40 C.F.R. § 71.9(j)(1) and (2)]
11. A Permittee who believes that the EPA assessed fee is in error and who wishes to challenge such fee shall provide a written explanation of the alleged error to the EPA along with full payment of the EPA assessed fee. [40 C.F.R. § 71.9(j)(3)]

c. Compliance statement [40 C.F.R. § 71.6(a)(6)]

1. The Permittee must comply with all conditions of this Part 71 permit. Any noncompliance with this permit constitutes a violation of the CAA and is grounds for:
 - i. Enforcement action;

- ii. Permit termination, revocation and reissuance, or modification; or
 - iii. Denial of a permit renewal application.
2. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [40 C.F.R. § 71.6(a)(6)(ii)]
- d. Compliance certifications.** The Permittee shall submit to EPA a certification of compliance with all permit terms and conditions, including emission limitations, standards, or work practices, each calendar year for the reporting period from January 1 to December 31, except the first reporting period shall begin on the effective date of this permit and end on December 31. All reports shall be submitted to the EPA and shall be postmarked by the 30th day following the end of the reporting period. The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official in accordance with Condition 4.0(H)(1) of this permit. The certification shall include the following: [40 C.F.R. § 71.6(c)(5)]
- 1. Identification of each permit term or condition that is the basis of the certification;
 - 2. Identification of the method(s) or other means used for determining the compliance status of each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. If necessary, the Permittee also shall identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the CAA, which prohibits knowingly making a false certification or omitting material information;
 - 3. The compliance status of each term and condition of the permit, including whether monitoring data is continuous and whether that data or any other

Facility Name: Grand Casino Hinckley **Issue date:** 12-30-2010
Permit Number: V-ML-2711500031-2010-01 **Page:** 33 of 44

credible evidence shows the compliance is continuous. The certification shall identify each deviation and take it into account in the compliance certification; and

4. A statement indicating the compliance status of the source with any applicable enhanced monitoring and compliance certification requirements of the CAA.

e. Schedule of compliance [40 C.F.R. §§ 71.6(c)(3) and 71.5(c)(8)(iii)]

1. For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements.
2. For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis.

f. Duty to provide and supplement information
[40 C.F.R. §§ 71.6(a)(6)(v) and 71.5(b)]

1. The Permittee shall furnish to the EPA, within a reasonable time, any information that the EPA may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. Upon request, the Permittee shall also furnish to EPA copies of records that are required to be kept pursuant to the terms of this permit, including information claimed to be confidential. Information claimed to be confidential should be accompanied by a claim of confidentiality according to the provisions of 40 C.F.R. Part 2, Subpart B.
2. The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any

requirements that become applicable to the facility after this permit is issued.

g. Enforceability. All terms and conditions in this permit, including any provisions designated to limit a source's potential to emit, are enforceable by the EPA and citizens in accordance with the CAA. [40 C.F.R. § 71.6(b)]

h. Submissions [40 C.F.R. §§ 71.5(d), 71.6 and 71.9]

1. A responsible official of the Permittee shall certify as to the truth, accuracy, and completeness of any document required to be submitted by this permit. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Except as otherwise noted, the Permittee shall submit all documents required to be submitted by this permit to:

**Environmental Protection Agency Region 5
Air and Radiation Division
Air Enforcement and Compliance Assurance
Branch (AE-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604**

2. The Permittee shall submit permit applications, applications for permit amendments, and other applicable permit information, which includes but is not limited to installation of control equipment, replacement of an emissions unit, fee calculation worksheets, and applications for renewals and permit modifications, to:

**Environmental Protection Agency Region 5
Air and Radiation Division
Air Programs Branch (AR-18J)
Air Permits Section
77 West Jackson Boulevard
Chicago, Illinois 60604**

3. The Permittee shall submit all submittals that

Facility Name: Grand Casino Hinckley **Issue date:** 12-30-2010
Permit Number: V-ML-2711500031-2010-01 **Page:** 35 of 44

are required by the Acid Rain Program, 40 C.F.R. Parts 72 through 78 to:

**U. S. Environmental Protection Agency
Clean Air Markets Division
Ariel Rios Building (6204J)
1200 Pennsylvania Avenue N.W.
Washington D.C. 20460**

- i. Severability clause.** The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force. [40 C.F.R. § 71.6(a)(5)]
- j. Permit actions.** This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [40 C.F.R. § 71.6(a)(6)(iii)]
- k. Administrative permit amendments.** The Permittee may request the use of administrative permit amendment procedures for a permit revision in accordance with 40 C.F.R. § 71.7(d).
- l. Minor permit modifications.** The Permittee may request the use of minor permit modification procedures for those modifications that meet the requirements contained in 40 C.F.R. § 71.7(e)(1).
- m. Significant permit modifications.** The Permittee must request the use of significant permit modification procedures for those modifications that meet the requirements contained in 40 C.F.R. § 71.7(e)(3).
- n. Reopening for cause.** The EPA shall reopen and revise the permit prior to expiration under any of the following circumstances: [40 C.F.R. § 71.7(f)]

 - 1. Additional applicable requirements under the CAA become applicable to this source if the remaining permit term is 3 or more years.

Facility Name: Grand Casino Hinckley
Permit Number: V-ML-2711500031-2010-01

Issue date: 12-30-2010
Page: 36 of 44

2. The EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 3. The EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- o. Property rights:** This permit does not convey any property rights of any sort, or any exclusive privilege. [40 C.F.R. § 71.6(a)(6)(iv)]
- p. Inspection and entry.** Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow EPA or an authorized representative to perform the following as authorized by the CAA: [40 C.F.R. § 71.6(c)(2)]
1. Enter upon the Permittee's premises where a Part 71 source is located or emissions-related activity is conducted, or where records are kept under the conditions of the permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
 4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
- q. Emergency provisions** [40 C.F.R. § 71.6(g)]
1. In addition to any emergency or upset provision contained in any applicable requirement, the Permittee may seek to establish that noncompliance with a technology-based emission

Facility Name: Grand Casino Hinckley **Issue date:** 12-30-2010
Permit Number: V-ML-2711500031-2010-01 **Page:** 37 of 44

limitation under this permit was due to an emergency. To do so, the Permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

- i. An emergency occurred and that the Permittee can identify the cause(s) of the emergency;
 - ii. The permitted facility was at the time being properly operated;
 - iii. During the period of the emergency the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
 - iv. The Permittee submitted notice of the emergency to EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements of Condition 3.0(B)(2) of this permit, concerning prompt notification of deviations.
2. In any enforcement proceeding, the party attempting to establish the occurrence of an emergency has the burden of proof.
 3. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or

operator error.

- r. Off permit changes.** The Permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met: [40 C.F.R. § 71.6(a)(12)]
1. Each change is not addressed or prohibited by this permit;
 2. Each change must comply with all applicable requirements and may not violate any existing permit term or condition;
 3. Changes under this provision may not include changes subject to any requirement of 40 C.F.R. Parts 72 through 78 or modifications under any provision of Title I of the CAA;
 4. The Permittee must provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under 40 C.F.R. § 71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change;
 5. The permit shield does not apply to changes made under this provision; and
 6. The Permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.
- s. Permit expiration and renewal** [40 C.F.R. §§ 71.5(a)(1)(iii), 71.6(a)(11), 71.7(b), 71.7(c)(1)(i) and (ii), 71.8(d)]
1. This permit shall expire upon the earlier occurrence of the following events:

Facility Name: Grand Casino Hinckley **Issue date:** 12-30-2010
Permit Number: V-ML-2711500031-2010-01 **Page:** 39 of 44

- i. Five years elapses from the date of issuance; or
 - ii. The source is issued a valid Part 70 permit.
2. Expiration of this permit terminates the Permittee's right to operate unless a timely and complete permit renewal application has been submitted at least six calendar months, but not more than eighteen calendar months, prior to the date of expiration of this permit.
3. If the Permittee submits a timely and complete permit application for renewal, consistent with 40 C.F.R. § 71.5(a)(2), but the permitting authority has failed to issue or deny the renewal permit, then the permit shall not expire until the renewal permit has been issued or denied and any permit shield granted pursuant to 40 C.F.R. § 71.6(f) may be extended beyond the original permit term until renewal.
4. If the Permittee has submitted a timely and complete application for renewal, the Permittee's failure to have a Part 71 permit is not a violation of Part 71 until the EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by the EPA.
5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation and affected State and tribal review.
6. The application for renewal shall include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, any applicable requirements that were promulgated and not

incorporated into the permit during the permit term, and other information required by the application form.

- t. Operational flexibility.** The Permittee may make changes within a permitted facility without a permit revision, provided the following conditions are met: [40 C.F.R. § 71.6(a)(13)]
1. The changes are not modifications under any provision of title I of the CAA;
 2. The changes do not exceed the emissions allowed under this permit (whether expressed therein as a rate of emissions or in terms of total emissions); and
 3. The Permittee notifies the EPA at least 7 days in advance of the proposed changes. The written notification shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.
- u. Permit shield** [40 C.F.R. § 71.6(f)]
1. Compliance with the conditions of this permit shall be deemed compliance with any specifically identified applicable requirements as of the date of permit issuance.
 2. Nothing in this permit shall alter or affect the following:
 - i. The liability of the Permittee for any violation of applicable requirements prior to or at the time of permit issuance;
 - ii. The ability of EPA to obtain information under Section 114 of the CAA; or
 - iii. The provisions of Section 303 of the CAA (emergency orders), including the authority

Facility Name: Grand Casino Hinckley **Issue date:** 12-30-2010
Permit Number: V-ML-2711500031-2010-01 **Page:** 41 of 44

of the Administrator under that section.

- v. **Credible evidence.** Notwithstanding the conditions of this permit specifying compliance practices for applicable requirements, any person (including the Permittee) may also use other credible evidence to establish compliance or noncompliance with applicable requirements. [62 Fed. Reg. 8314 (February 24, 1997)]

Facility Name: Grand Casino Hinckley
Permit Number: V-ML-2711500031-2010-01

Issue date: 12-30-2010
Page: 42 of 44

Attachment 1:

Excess Emissions Form

Excess Emissions Form

Company/Owner Name: _____

Facility Name: _____

Permit Number: _____

1. Reporting period dates: From _____ to _____

2. Facility address: _____

3. Pollutant: _____

4. Event Information (Use 24-hour clock):

	End Time	Start Time	Duration (hr:min)
Date: _____	_____	_____	____:____
Date: _____	_____	_____	____:____
Date: _____	_____	_____	____:____
Total:			____:____

5. Cause of Event (Check all that apply):

- START UP PROCESS PROBLEMS CONTROL EQUIPMENT
 SHUT DOWN SCHEDULED MAINTENANCE OTHER _____

Provide a detailed description of what happened. Attach additional sheets as necessary.

6. Emission Sources Involved

Identify each Emission Source involved in the event, using the same identification number and name as in the Permit. List any Control Device or Monitoring System affected by the event. Attach additional sheets as necessary.

Emission Unit No.	Emission Unit Name	Description	Control Device
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

7. Emission Standard Exceeded

Identify each Emission Standard and Permit Condition exceeded during the event. Describe in detail, the extent to which each Standard or Condition was exceeded. List ALL known or suspected injuries or health impacts. Attach additional sheets as necessary.

Standard or Condition	Limit	Exceedance
_____	_____	_____
_____	_____	_____
_____	_____	_____

8. Emission Reduction

Describe in detail, ALL of the measures taken to minimize and/or control emissions during the event. Attach additional sheets as necessary.

9. Corrective Actions

Describe in detail, ALL of the corrective actions taken to restore the system to normal operation. Attach additional sheets as necessary.

10. Describe any changes since the last quarter in monitoring, process, or control equipment. Attach additional sheets as necessary

Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.

Printed Name and Title Signature Date